IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14338 of 2004

Between:

Ch. V.R.N. Sastry,

S/o. Ch. Deekshitulu,
Giripuram, Vijayawada.

..... PETITIONER

AND

1. The Deputy Commissioner of Labour,

Zone-II, Eluru, West Godavari District.
2. M. Sanjeeva Rao,

S/o. Simhachalam,
Vaartha daily, Hyderabad.
3 B. Venkata Reddy,

S/o. Nageswara Reddy,
Vaartha Compound, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or order or direction more particulars in the nature of Writ of Mandamus declaring the action of the respondent 1 in refusing to entertain the application made by the petitioner is unconstitutional and consequently direct the respondent 1 to punish the respondents 2 and 3 after declaring that they have made false statements amounting to perjury.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent No.1: G.P. FOR LABOUR

The Court made the following:

ORDER:

The petitioner is a working journalist. He filed W.J. Case No.1 of 2002 before the Deputy Commissioner of Labour, Zone-II, Eluru, West Godawari District. During the pendency of the said application, the petitioner filed another application on 22-11-2003 requesting the Deputy Commissioner to initiate appropriate proceedings against the employers and the witnesses who gave sworn statements on their behalf. The Deputy Commissioner returned the said application on 12-03-2004 with the following endorsement:

> "Since the application was not covered under W.J. and Other News Paper Employees [C.Os] and Miscellaneous Provisions Act, 1955."

The petitioner made another application on 07-04-2004 requesting the Deputy Commissioner to give him and his counsel an opportunity of personal hearing in the matter to impress upon the said Authority regarding the maintainability of the application dated 30-09-2003. The said application was returned by the Deputy Commissioner on 07-05-2004 with the following remark:

> "Since the Authority is a Quasi Judicial functionary the personal hearing as required by the applicant cannot be considered."

The petitioner being aggrieved by the same, approached this Court seeking a direction to the Deputy Commissioner of Labour, Zone-II, Eluru, to permit him and

his counsel to personally represent the matter about the maintainability of the earlier petition and to declare that the action of the first respondent in refusing to entertain the application as unconstitutional. The petitioner made an allegation that the respondents 2 and 3 gave false affidavits in support of the contention of the Management. The Deputy Commissioner has not passed any order on merits and it was returned only on the ground of non-maintainability.

In the light of the above circumstances, I deem it appropriate that the Deputy Commissioner of Labour shall give an opportunity to the petitioner and his counsel to represent the case regarding the maintainability of the application dated 30-09-2003. The petitioner is therefore directed to represent the applications that were returned and on such representation, the first respondent shall hear the petitioner and his counsel regarding the maintainability of the application and pass appropriate orders according to law.

The Writ Petition is accordingly disposed of. No costs.

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Dr.G. Yethirajulu, J

13th August, 2004

Note: Issue copy in one week

B/o.

lsn

ASISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Commissioner of Labour,

Zone-II, Eluru, West Godavari District.

2. Two CCs to the Government Pleader for Labour,

High Court Buildings, Hyderabad (OUT).

3. Two CD copies

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